

Supplement to the Daily advertiser, Tuesday, June 6, 1786

SUPPLEMENT to the DAILY ADVERTISER, TUESDAY, June 6, 1786.

The United States of America in Congress assembled: To all to whom these Presents shall come Greeting.

WHEREAS a treaty of amity and commerce, between his majesty the king of Prussia, and the United States of America, was concluded and signed by the plenipotentiaries of the said United States, and by the plenipotentiary of his said majesty, duly and respectively authorised for that purpose, at the places of their respective residence, and at the dates expressed under their several signatures, which said treaty, written both in the American and French languages, is (in the American) in the words following, to wit,

A TREATY of AMITY and COMMERCE between the Majesty the King of Prussia, and the United States of America.

HIS majesty the king of Prussia, and the United States of America, desiring to fix, in a permanent and equitable manner, the rules to be observed in the intercourse and commerce they desire to establish between their respective countries, his majesty and the United States have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement.

With this view his majesty the king of Prussia has nominated and constituted as his plenipotentiary, the baron Frederick William de Thulemeier, his privy counsellor of embassy, and envoy extraordinary, with their high mightinesses the states general of the United Netherlands, and the United States, have on their part, given full powers to John Adams, esquire, late one of their ministers plenipotentiary for negotiating a peace,

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heretofore a delegate in Congress from the state of Massachusetts, and chief justice of the same, and now minister plenipotentiary of the United States with his Britannic majesty; doctor Benjamin Franklin, the minister plenipotentiary at the court of Versailles, and another of their ministers plenipotentiary for negotiating a peace; and Thomas Jefferson, heretofore a delegate in Congress, from the state of Virginia, and governor of the said state, and now minister plenipotentiary of the United States at the court of his most christian majesty, which respective plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled and signed the following articles.

Art. 1. There shall be a firm, inviolable and universal peace and sincere friendship between his majesty the king of Prussia, his heirs, successors and subjects, on the one part, and the United States of America, and their citizens on the other, without exceptions of persons or places.

Art. 2. The subjects of his majesty the king of Prussia, may frequent all the coasts and countries of the United States of America, and reside and trade there in all forts of produce, manufactures and merchandise; and shall pay within the said United states no other or greater duties, charges or fees whatsoever than the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favoured nation does or shall enjoy; submitting themselves, nevertheless to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favored nations.

Art. 3. In like manner the citizens of the United States of America may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there in all forts of produce, manufactures and merchandise, and shall pay in the dominions of his said majesty, no other or greater duties, charges or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges

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and exemptions in navigation and commerce which the most favored nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most favored nations.

Art. 4. Most especially each party shall have a right to carry their own produce, manufactures and merchandise, in their own or any other vessels to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other, freely to purchase them; and thence to take the produce, manufactures and merchandise of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges and fees only, as are or shall be paid by the most favored nation. Nevertheless the king of Prussia and the United States, and each of them, reserve to themselves the right where any nation restrains the transportation of merchandise to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandise whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties shall not import nor export the merchandise prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandise, the citizens or subjects of the other shall immediately enjoy the same liberty.

Art. 5. The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any fort of merchandise into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

Art. 6. That the vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the laws, shall be made before they are laden on board the vessel and that there shall be no examination after: nor shall the vessel be searched at any time, unless

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articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the vessel be seized or detained for that cause.

Art. 7. Each party shall endeavour, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to their right owners, their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

Art. 8. The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges and fees shall be the same, and shall be paid on the same footing as in the case of subjects or citizens of the country where they are established.

Art. 9. When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominion of the other, their respective subjects or citizens, shall receive, as well for themselves as for their vessel and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks

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of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

Art. 10. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases; and in case of the absence of the representatives, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such subjects shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation; and exempt from all rights of detraction on the part of the government of the respective states. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published, by his majesty the king of Prussia, to prevent the emigration of his subjects.

Art. 11. The most perfect freedom of conscience and of worship, is granted to the citizens or subjects of either party, within the jurisdiction of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

Art. 12. If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers, shall not be interrupted. On the contrary, in that cases as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

Art. 13. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

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Art. 14. And in the same case where one of the parties is engaged in war with another power, that the vessels of the neutral party may be readily and certainly known, it is agreed, that they shall be provided with sea-letters or passports, which shall express the name, the property and burthen of the vessel, as also the name and dwelling of the master, which passports shall be made out in good and due forms (to be settled by conventions between the parties whenever occasion shall require) shall be renewed as often as the vessel shall return into port; and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

Art. 15. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sealetters or passports. And all persons belonging to any vessel of war, public or private, who shall molest, or injure, in any manner whatever, the people, vessels or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Art. 16. It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention or arrest, for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall

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be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Art. 17. If any vessel or effects of the neutral powers be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor as soon as due proof shall be made concerning the property thereof.

Art. 18. If the citizens or subjects of either party, in danger from tempests, pirates, enemies or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received, protected and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions and other things necessary for their sustenance, health and accommodation, and for the repair of their vessels.

Art. 19. The vessels of war, public and private, of both parties, shall carry freely wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges or fees to officers of admiralty, of the customs or any others, nor shall such prizes be arrested, searched or put under legal process when they come to, and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessels shall be obliged to shew. But no vessel which shall have made prizes on the subjects of his most christian majesty the king of France, shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most christian majesty and the said United States.

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Art. 20. No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

Art. 21. If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them.

1st. If a vessel of one of the parties, retaken by a privateer of the other, shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor. 2d. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one thirtieth part of the value of the vessel and cargo, if she shall not have been in the possession of the enemy more than twenty-four hours, and one tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors. 3d. The restitution in the cases aforesaid, shall be after due proof of property, and surety given for the part to which the recaptors are entitled. 4th. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each: but the said prizes shall not be discharged nor sold there, until their legality shall have been decided according to the laws and regulations of the states to which the captor belongs, but by the judicatures of the place into which the prize shall have been conducted. 5th. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

Art. 22. Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of

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the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

Art. 23. If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: And all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers and fishermen unarmed and inhabiting unfortified towns, villages or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniencies and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested, and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading vessels, or interrupt such commerce.

Art. 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East-Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations, that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall

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be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations; and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a commonsoldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them, be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever: that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article, but on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

Art. 25. The two contracting parties grant to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever either party shall chuse to make such appointment; but if any such consuls shall exercise

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commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Art. 26. If either party shall hereafter grant to any other nation, any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted, to such other nations, or on yielding the compensation where such nation does the same.

Art. 27. His majesty the King of Prussia, and the United States of America, agree that this treaty shall be in force during the term of ten years from the exchange of ratifications, and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

In testimony whereof, the plenipotentiaries before mentioned, have hereto subscribed their names and affixed their seals, at the places of their respective residence, and at the dates expressed under their several signatures.

F. G. de Taulemeier, à la Hage de 10 Septembre, 1785. (L.S.) *Thos. Jefferson*. Paris, July 18, 1785 *B. Franklin*. Passy, July 9, 1785. *John Adams*, London, August 5, 1785.

NOW KNOW YE, That we the said United States in Congress assembled, having considered and approved, do hereby ratify and confirm the said treaty, and every article and clause therein contained. In testimony whereof, we have caused our seal hereunto affixed. Witness the hon. Nathaniel Gorham, our chairman in the absence of his excellency John Hancock, our president, the seventeenth day of May, in the year of our Lord one thousand seven hundred and eighty-six, and of our independence and sovereignty, the tenth.

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Treaty between the United States & Prussia 1785